

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DERICK EDWARDS,

Plaintiff,

v.

Case No.: 2:19-cv-711-SPC-NPM

GUILLERMO MONMANY,  
JAMES HEUGLIN, BRIAN  
RHOTON, ARTURO GONZALEZ,  
JR. and CARMINE MARCENO,

Defendants.

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**ORDER**<sup>1</sup>

Before the Court is the briefing on Defendant Arturo Gonzalez's Motion for Summary Judgment ([Doc. 178](#)). Plaintiff Derick Edwards responded ([Doc. 183](#)), to which Gonzalez did not timely reply. So the briefing is ripe, and the Court takes the Motion under advisement.

While not filed with the Motion, two exhibits—an arrest report and affidavit—are available elsewhere in the record. ([Docs. 118-1](#); [118-2](#)). And Gonzalez provided a thumb drive loaded with three videos of the incident—one

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

dash cam recording (referred to as “Exhibit B”) along with two body cam tapes. But Gonzalez failed to provide a deposition transcript used in support of his Motion. (Doc. 178 at 4-5). Because Edwards’ deposition is not in the record, it cannot be used yet. Fed. R. Civ. P. 56(c)(1)(A) (“A party asserting that a fact cannot be or is genuinely disputed must support the assertion by . . . citing to particular parts of materials *in the record*, including depositions.” (emphasis added)). If Gonzalez would like the Court to consider the deposition, he must file a transcript.

Accordingly, it is now

**ORDERED:**

If Defendant Arturo Gonzalez intends to rely on Plaintiff Derick Edwards’ deposition, Gonzalez must **FILE** the transcript **on or before January 13, 2022**.

**DONE** and **ORDERED** in Fort Myers, Florida on January 12, 2022.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record